



**A Publication of the
DIETITIAN AFFILIATED CREDENTIALING BOARD**

Volume 1, No. 1

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Regulatory Digests Begin

This is the first issue of the *Wisconsin Regulatory Digest*, a publication of the Dietitian Affiliated Credentialing Board. The *Digest* provides an opportunity for the Credentialing Board to communicate with credential holders concerning issues of importance in state regulation.

The articles in this first issue provide information about handling of complaints, standards of conduct, renewal of credentials, and resources such as telephone numbers, web site, codebook ordering and name-and-address change procedures. Future issues will include descriptions of any disciplinary actions taken by the Board, notices of new laws and rules, and any other topics of interest in regulation.

Please feel free to contact the Board with any comments or suggestions you may have about this digest, information you might like to see, or other regulatory questions.

**DIETITIAN AFFILIATED
CREDENTIALING BOARD**

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Executive Staff:

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Patricia McCormack, Deputy Secretary
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Complaints Against Licensees

Complaints are processed in the following manner:

All complaints received by the Funeral Directors Examining Board and the Department are routed to the Division of Enforcement (DOE) where they are logged into the computer and given a number.

Complaints are screened by several board members and the supervisor of the DOE prosecutors and the supervisor of the DOE investigators. The complaint screening process results in a decision to open or not open a complaint for investigation. Sometimes additional information is requested of the complainant at this stage of the process. Most boards are now moving toward screening complaints at least once a month.

If a complaint is opened for investigation, it is assigned to a team in DOE. Teams consist of prosecutors, investigators, legal assistants and, in some cases, auditors. A specific prosecutor and investigator is assigned to the case and the investigator commences an investigation as soon as possible. The investigation generally includes corresponding with the complainant, the licensee and other people with relevant information. Documents are reviewed and the investigator often interviews people to obtain more information.

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A board member is assigned to the case as an advisor. The board member offers suggestions to the	

investigator and, after the investigation is concluded, the advisor recommends that the case be closed for a certain specified reason or that the case proceed to possible disciplinary action.

If the case advisor recommends possible disciplinary action, a prosecutor reviews the file and requests additional investigation, if needed. The prosecutor usually offers the licensee an opportunity to agree to a resolution of the matter. The offer may be in the form of a written stipulation for some type of discipline, such as a revocation, suspension, limitation, reprimand, and/or an assessment of all or part of the costs of the investigation and prosecution. If the licensee rejects the stipulation, the attorney schedules a hearing before an administrative law judge. The hearing is like a trial and the licensee may have an attorney represent him or her. After the hearing, the administrative law judge prepares a proposed decision and refers it to the Board.

If a case advisor recommends that a case be closed, the case is reviewed by the Board at its next meeting and the Board either concurs or refers the case for disciplinary action. Stipulations and proposed decisions are also referred to the Board for final disciplinary action. If the Board disagrees with a proposed stipulation, the Board may refer the case back to the prosecutor for more negotiations or, possibly, a hearing. If the Board disagrees with a proposed decision of an administrative law judge, it may change parts of the proposed decision, but it will have to explain why it is making the change.

There is considerable due process built into the complaint process. Licensees or their attorneys are given many opportunities to respond to proposals and to object to decisions. Ultimately, if a licensee disagrees with the Board's disciplinary decision, the licensee may appeal the case to the Court of Review.

Letters are sent to complainants and licensees at various stages in the process, informing them of receipt of a complaint and the final disposition of a complaint.

As a reminder, Chapter DI 5 describes standards of conduct required of dietitians in Wisconsin.

Chapter DI 5 Standards of Conduct

DI 5.01 Unprofessional conduct. Unprofessional conduct related to the practice of dietetics under subch. IV of ch. 448, Stats., includes, but is not limited to the following conduct or attempting to engage in or aiding or abetting the following conduct:

(1) Performing or offering to perform services for which the certificate holder is not qualified by education, training or experience.

(2) Violating a law of any jurisdiction, the circumstances of which substantially relate to the practice under the certificate.

(3) Undertaking or continuing the performance of professional services after having been adjudged incompetent by any court of law.

(4) Using fraud or deception in the application for a certificate.

(5) Engaging in uninvited, in-person solicitation of actual or potential patients or clients who, because of their particular circumstances, are vulnerable to undue influence.

(6) Engaging in false, fraudulent, misleading or deceptive advertising, or maintaining a professional relationship with one engaging in such advertising.

(7) Engaging in false, fraudulent, deceptive or misleading billing practices.

(8) Knowingly reporting distorted, false or misleading information or knowingly making false statements in practice.

(9) Practicing or attempting to practice while the certificate holder is impaired due to the utilization of alcohol or other drugs, or as a result of an illness which impairs the certificate holder's ability to appropriately carry out the functions delineated under the certificate in a manner consistent with the safety of a client, patient or the public.

(10) Revealing facts, data, information, records or communication received from a client in a professional capacity, except in the following circumstances:

(a) With the informed consent of the client or the client's authorized representative.

(b) With notification to the client prior to the time the information was elicited of the use and distribution of the information.

(c) If necessary to prevent injury to the client or another person.

(d) Pursuant to a lawful order of a court of law.

(e) Use of case history material for teaching, therapeutic or research purposes, or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client.

(f) When required or authorized pursuant to federal or state statute.

(11) Failing to provide the client or client's authorized representative a description of what may be expected in the way of tests, consultation, reports, fees, billing, therapeutic regimen or schedule.

(12) Failing to conduct an assessment or evaluation as a basis for treatment consultation.

(13) Failing to inform the client of financial interests which are not obvious and which might accrue to the certificate holder for referral to or for any service, product or publication.

(14) Failing to maintain adequate records relating to services provided a client in the course of a professional relationship.

(15) Failing to notify the board that a license, certificate or registration for the practice of any

profession previously issued to the certificate holder has been revoked, suspended, limited or denied, or subject to any other disciplinary action by the authorities of any jurisdiction.

(16) Having a license, registration or certificate permitting the practice of dietetics or authorizing the use of the title “dietitian,” “certified dietitian,” “registered dietitian” or similar terms revoked, suspended, limited, subjected to any other discipline, by any other jurisdiction.

(17) Violating or attempting to violate any applicable provision of ch. 448, Stats., or any valid rule of the board.

(18) Violating or attempting to violate any term, provision or condition of any order of the board.

(19) Practicing fraud, forgery, deception, collusion or conspiracy in connection with any examination for license.

(20) Giving, selling, buying, bartering or attempting to give, sell, buy or barter any license.

(21) Engaging or attempting to engage in practice under any license under any given name or surname other than that under which originally licensed or registered to practice in this or any other jurisdiction. This subsection does not apply to change of name resulting from marriage, divorce or order by a court of record.

(22) Any practice or conduct which tends to constitute a danger to the health, welfare or safety of client, patient or public.

(23) Practicing or attempting to practice under any license beyond the scope of that license.

(24) Offering, undertaking or agreeing to treat or cure a disease or condition by a secret means, method, device or instrumentality; or refusing to divulge to the board upon demand the means, method, device or instrumentality used in the treatment of a disease or condition.

(25) Making a representation likely to create an unjustified expectation about the results of a medical nutritional therapy service or procedure.

(26) Failing to take reasonable action to inform a client’s physician and any appropriate allied health care provider in any case in which a client’s nutritional status indicates a change in medical status.

(27) Conviction of any crime the circumstances of which substantially relate to practice under any certificate, or of violation of any federal or state law regarding the possession, distribution or use of controlled substances as defined in s. 161.01(4), Stats. A certified copy of a judgment of a court of record showing such conviction, within this state or without, shall be presumptive evidence thereof.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95.

ALERT

ALERT

ALERT

The next renewal for Dietitians will be October 31. Renewal notices will be mailed out about 6 weeks

prior to that date. Please remember to include your Social Security Number on your renewal form.

CHAPTER DI 4 Certification

DI 4.01 Requirements for renewal; restoration of certificates.

(1) Each person granted a certificate under subchapter IV of ch. 448, Stats., is certified for the current certification period only. To renew certification a certificate holder shall, by November 1 of the even-numbered year following initial certification and every 2 years thereafter, file with the board an application for renewal on a form prescribed by the board, and submit the fee required under s. 440.08 (2) (a) 27m., Stats. A certificate holder who fails to renew certification shall cease and desist from using the title.

(2) Except as provided in sub. (4), a dietitian who files an application for renewal of a certificate after the renewal date may renew the certificate by payment of the renewal fee specified in s. 440.08 (2) (a) 27m., Stats., and payment of the late renewal fee specified in s. 440.08 (3) (a), Stats.

(3) A dietitian who files an application for renewal of a certificate 30 days or more after the expiration of the applicant's last certificate, but within 5 years after the expiration date, may renew the certificate by payment of fees under s. 440.08 (2) (a) 27m. and (3) (a) 2., Stats.

(4) A dietitian who files an application for renewal more than 5 years after the renewal date may be reinstated by filing with the board an application and fees under s. 440.08, Stats. The board may require demonstration of competence by various methods including, but not limited to, written and oral examination, documentation of dietetics work in other jurisdictions, or documentation of current education or experience in the field. Any examination or education required under this section shall not be more extensive than the educational or examination requirements for an initial credential from the board.

(5) Every certificate holder shall notify the department, in writing, of a change of name or address within 30 days of the change.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95; am. (1) and (2), Register, November, 1997, No. 503, eff. 12-1-97.

Department of Regulation and Licensing
Dietitians Affiliated Credentialing Board
P.O. Box 8935
Madison, WI 53708-8935

REGULATORY DIGEST

Bulk Rate
U.S. Postage
Paid
Madison, WI
Permit No. 1369

RETURN SERVICE REQUESTED

Telephones

Automated Phone System for the Health Professions: (608) 266-2811

Press 1 **Request Application**

Press 2 **Name or Address Change**

Need a Duplicate License

Request a Letter of Good Standing

Press 3 **Complaint Filing Information**

Press 4 **Status of a Pending Application**

Press 5 **Verifying Current Status of a Credential Holder**

Press 6 **Repeat Menu Choices**

Verifications

ALL verification requests must be in writing. Requests for verifications to other states must be in writing. The cost is \$10. Please make out check or money order to the Department of Regulation and Licensing.

1998 Meeting Dates

June 26, September 18, December 10

Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>
Send comments to dorl@mail.state.wi.us

Wisconsin Statutes and Code

Copies of the Dietitians Statutes and Administrative Code can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated June, 1997.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided.

WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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